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BREAKING

Nicholas McGuffin's manslaughter conviction overturned in the death of Leah Freemam

The conviction was overturned after unreported evidence came forward

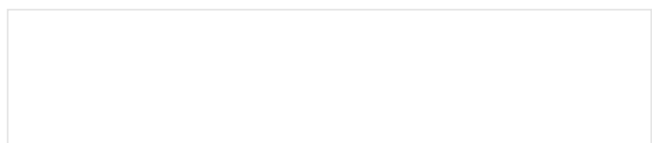
JILLIAN WARD The World
Dec 3, 2019



Nick McGuffin trial 2011

World file photo

COQUILLE — Evidence left out during a 2011 manslaughter trial has overturned the conviction of Nicholas McGuffin, according to a recent court ruling from a Malheur County Circuit Court judge.



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Leah Freeman

The judge ruled that the Oregon State Police failed to reveal DNA evidence that could have exonerated McGuffin, who was charged with killing his girlfriend.

McGuffin has maintained his innocence in the death of Leah Freeman, who was 15 when she disappeared from her hometown of Coquille in 2000. Her body was found in the woods five weeks later.

Janis Puracal of the Oregon Innocence Project, who is McGuffin's lead attorney, said on Monday that McGuffin has spent nine years in prison for a crime he didn't commit. He was convicted of manslaughter by a jury in Coos County Circuit Court in a decision that was not unanimous and sentenced to 10 years in prison in 2011.

According to Puracal, Malheur County Circuit Judge Patricia Sullivan said in her Nov. 26 ruling that the Oregon State Police lab violated McGuffin's constitutional rights by failing to disclose the DNA evidence.

Retrial?

Now it is up to the Oregon Attorney General to decide in the next 30 days whether or not to appeal. If no appeal is made, the case will find its way back to Coos County District Attorney Paul Frasier, who will decide if there should be a retrial.

The evidence that came forward was unidentified male DNA on the shoes of 15-year-old Leah Freeman who disappeared in June of 2000. The Coquille High School student had just wrapped up her freshmen year and was dating McGuffin, who had recently graduated.

"Initially the Coquille Police Department treated it as a runaway case when there was no evidence suggesting at any time that she was a runaway," Frasier told The World on Monday, pointing out early problems with the Freeman case and how the unidentified male DNA went unreported by the crime lab.

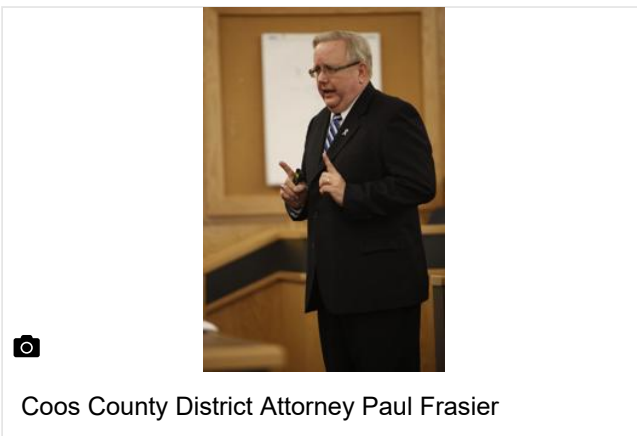
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According to Frasier, Freeman had been with McGuffin throughout the day until he dropped her off at a friend's house. However, she and her friend got into an argument and Freeman left around 9 p.m. before he picked her up.

"We had sightings of (Freeman) at the McKay's Market and what is now Colleen's restaurant and then were at City Hall, which used to be a credit union," Frasier said. "There was also a sighting of her at the high school and the Chevron station. After that, no one knew where she was."

Her death happened sometime between 9 p.m. and 11:40 p.m. Frasier said they know this because at 11:40 p.m., a mechanic from the county shop had just gotten off a swing shift and was riding his motorcycle home. He was using the road between the cemetery and the Chevron station when he spotted a Nike tennis shoe in the middle of the street.



"He got upset because he just bought his kids new shoes and thought it might belong to one of his kids, so he picked it up and brought it home," Frasier said. "When he got home, he figured out it wasn't one of his kid's shoes and tossed it into a pile."

DNA on tennis shoes

Once it was clear Freeman was missing and law enforcement suspected foul play, Frasier said the shop mechanic came forward with the shoe. DNA testing showed that it belonged to Freeman.

The second Nike tennis shoe was discovered by a Coos County Sheriff's deputy. The deputy went to a spot often used by local teens as a place to drink and hang out. As the deputy went to Hudson Ridge, he spotted a Nike tennis shoe off to the side of the dirt road.

Frasier recounted that the deputy brought the shoe into town, unaware that the Coquille Police Department had the other one found by the mechanic. The deputy was speaking with a CPD officer and through conversation discovered the shoes matched.

The shoe found on Hudson Ridge had blood on the bottom, which belonged to Freeman.

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"We got reports back from the crime lab, which tested the shoes," Frasier remembered. "The shoe on Hudson Ridge had unknown male DNA on it. We got a DNA sample from the deputy who found it and it was a match because he reached down and picked up the shoe. At no time was it revealed that on both shoes there had been found unaccounted for male DNA. This is where it gets sticky."

At the time in 2000, the crime lab was not obligated to include in its report that there was unaccounted for male DNA on both shoes because it was such a small amount. This meant that it was touch DNA, or not from blood, saliva or semen.

"It is consistent with someone who picked up and touched the shoes, DNA in sweat or skin cells that sluff off when you touch something," Frasier said. "That is what we are talking about ... They didn't put it in their reports that there was unknown male DNA so I personally didn't know about this."



Nick McGuffin trial

In 2000, because the DNA profiles were so small it was hard for lab technicians to know if it was an actual profile or what is called "background noise" or "clutter."

"The scientist running the test had discretion to either say 'yes, it's there,' or 'no, it's background noise' and ignore it," Frasier said. "We think the scientist who did the testing saw it as background noise and didn't put it in the report. We don't know where she is now since she isn't there anymore."

Mistakes made

Frasier fought to reopen the case after it went cold, but never heard back from the CPD Chief Michael Reaves. Finally in 2008 when Reaves stepped down and Chief Mark Dannels replaced him, the Freeman case was reopened at Frasier's insistence.

"We reopened it then because there had always been an issue on how the case was initially investigated by the Coquille Police Department," Frasier said. "Quite frankly, they made some mistakes by treating it as a runaway situation and turning down offers of help. The Sheriff's Office offered to send deputies but (CPD) turned it down. It wasn't until she'd been missing for over a week that (Reaves) finally asked for help and the homicide team got involved."

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When Frasier and Dannels worked together to go over the files on the case in 2008 and 2009, Frasier discovered that Reaves hadn't shared everything about the case with him back during the initial investigation.

"We found hundreds of pages of reports not given to me by the CPD, photographs, evidence I wasn't aware of that was seized back in 2000," Frasier said. "There were rolls of film that hadn't even been developed. That's not a violation. It's just not good police work, but that's what happened."

Frasier spent 2009 gathering information and went public with the case in 2010 that it had been reopened. At the time they had a suspect list of 12 people. After going through it, only one person couldn't be eliminated. That was McGuffin.

Frasier brought forward 119 witnesses in front of a grand jury and everything they had at the time, he said. The grand jury indicted McGuffin for murder and he was arrested in 2010. The case went to trial in the summer of 2011.

Wait and see

"Prior to trial, the defense asked me to obtain the crime lab file, which would include all test results and data," Frasier said. "The only time I've been asked by defense for that kind of file is when they have an expert to double check the results ... Apparently they did not have an expert to look at it. Nobody going into this trial in 2011 knew there was this unknown male DNA found back in 2000 since it hadn't been put into an actual report."

Frasier said he first became aware of the unreported DNA in 2015 when the Oregon Innocence Project got involved.

"It was a total surprise for me," he said. "We worked very, very hard on this. We did everything right, gave everything to the defense that they were entitled to, and then find out this. I called the State Police Crime Lab and was told about the protocol in 2000 that they had the discretion not to disclose it."

However, Frasier also found out that if the results were reviewed in 2015 or if new testing was done in 2009 then the crime lab would have generated a report with the information included.

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"I hope people understand this isn't me fighting to keep this conviction in place," Frasier said, adding that once the Oregon Innocence Project notified him he cooperated by providing everything he could. "I didn't make them get court orders. I wanted us to look at this from the standpoint of what is right and wrong."

In the Malheur County Circuit Court ruling, it was pointed out that, "The District Attorney was laboring under the same lack of information. This is not a case where the District Attorney, who sincerely and passionately has sought to determine what happened to the victim, deliberately withheld exculpatory information. Rather, the material from the OSP lab provided information in its report and through the testimony of Kathy Wilcox that created a false impression that no other DNA was found on the shoes"

For Frasier, he now waits to see what the state court decides on how McGuffin's case will move forward.

"I'm disappointed because what's happened here is out of my control," he said. "There is unknown male DNA on those shoes. Does it exonerate McGuffin? Maybe, but I don't know. It could be anyone in the chain of command who touched those shoes without gloves ... I just can't reemphasize enough that this is not the fault of this office. We didn't do anything wrong."

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ABC's '20/20' to feature Freeman case and McGuffin's overturned conviction in upcoming episode

Jillian Ward

Reporter